

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

* * *

NICHOLAS JAMES MCGUFFIN, as and :
individual and as guardian :
ad litem, on behalf of S.M., a :
minor, :
Plaintiffs, : NO. 6:20-cv-01163-MK
- vs - : (Lead Case)
MARK DANNELS, PAT DOWNING, SUSAN :
HORMANN, MARY KRINGS, KRIS :
KARCHER, SHELLY MCINNES, RAYMOND :
MCNEELY, KIP OSWALD, MICHAEL :
REAVES, JOHN RIDDLE, SEAN :
SANBORN, ERIC SCHWENNINGER, :
RICHARD WALTER, CHRIS WEBLEY, :
ANTHONY WETMORE, KATHY WILCOX, :
CRAIG ZANNI, DAVID ZAVALA, JOEL :
D. SHAPIRO AS ADMINISTRATOR OF :
THE ESTATE OF DAVE E. HALL, :
VIDOCQ SOCIETY, CITY OF COQUILLE, :
CITY OF COOS BAY, COOS COUNTY, :
and OREGON STATE POLICE, :
Defendants. :

* * *

Oral deposition of BARBARA

COHAN-SAAVEDRA, taken at the law offices of STEVENS &
LEE, 1500 Market Street, 18th Floor, Philadelphia,
Pennsylvania, 19102, on Wednesday, February 14, 2024,
beginning at approximately 12:08 p.m. EST, before Lisa
M. Cooper, Court Reporter.

* * *

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Philadelphia, Pennsylvania 19103
(877) 479-2484

1 (It is hereby stipulated by and
2 among counsel for the respective parties
3 that signing, sealing, certification, and
4 filing are waived, and that all objections,
5 except as to the form of the question, are
6 reserved until the time of trial.)

7 * * *

8 BARBARA COHAN-SAAVEDRA:
9 after having been first duly sworn, was
10 examined and testified as follows:

11 * * *

12 MR. LAUERSDORF: For the record, Andrew
13 Lauersdorf, from Maloney, Lauersdorf and
14 Reiner, on behalf of the plaintiffs in this
15 matter.

16 MR. SCISCIANI: Anthony Scisciani, HWS
17 Law Group, counsel for defendant, Vidocq
18 Society.

19 MR. DEFREEST: Eric DeFreest of Luvaas
20 Cobb, for defendant, Richard Walter.

21 MR. DAVIS: Jesse Davis, on behalf of
22 the State defendants.

23 SARAH HENDERSON, Law Office of Robert E.
24 Franz, Jr., for the Municipal defendants.

25 MS. SAWYER: Meredith Sawyer, HWS Law

1 Q. Okay. Do you recall what month in 1994?

2 A. I applied for membership in April of 1994 and
3 was admitted either that month or the following month.

4 Q. What -- what inspired you to apply for
5 membership to the Vidocq Society?

6 A. I had started going to meetings the year
7 prior to that, in 1993. And I was very impressed by
8 the organization and excited to be a part of it.

9 Q. Okay. Is that while you were still employed
10 as an AUSA?

11 A. Yes.

12 Q. Okay. And that -- what District were you in
13 when you --

14 A. Eastern District of Pennsylvania.

15 Q. Okay. What positions have you held with the
16 Vidocq Society?

17 A. I've been on the Board, I don't know the
18 exact date, but it's approximately 20 years. I served,
19 for a time, as membership chair. And I am presently
20 the public information officer.

21 Q. Do you remember what year you joined the
22 Board?

23 A. I really don't. I'm guessing that it's about
24 20 years.

25 Q. Okay. And is that multiple terms? Or is

1 affect your memory or comprehension?

2 A. No.

3 Q. Are you currently taking any prescription
4 medications that a medical professional has told you
5 might affect your memory or comprehension?

6 A. No, sir.

7 Q. Are you aware of any other reason why you may
8 have trouble participating today?

9 A. No.

10 Q. Okay. Did you read any documents to prepare
11 for your deposition?

12 A. Yes.

13 Q. What did you review?

14 A. I reviewed the deposition notice in detail.
15 I went through my personal retained copies of minutes
16 of the Board of Directors. I went through the Vidocq
17 Society's Constitution and Bylaws, in its present form,
18 as well as in its prior iterations.

19 Q. Okay.

20 A. I went through all of the digital files that
21 I have regarding my work with the Vidocq Society. And
22 in addition to that, I sent a blast e-mail to anyone
23 who was a Vidocq Society member between 2009 and 2015,
24 posing to them some of the questions that are in your
25 deposition notice. And I reviewed their responses.

1 Q. Okay. And then did you bring any of those
2 documents with you today?

3 A. I did not.

4 Q. Are you prepared to produce any of the
5 documents you reviewed?

6 MR. SCISCIANI: We'll deal with that
7 separately, Counsel.

8 MR. LAUERSDORF: Okay.

9 BY MR. LAUERSDORF:

10 Q. When -- that's quite a bit of review. When
11 did you --is that something you did just recently? Or
12 have you been doing it over time?

13 A. It's taken quite a bit of time. I started
14 pretty much as soon as they designated me as the
15 witness. I knew I was going to have to prepare,
16 because a lot of the things you look for in the
17 deposition notice are things I was not involved with
18 personally.

19 Q. Okay. How much time would you say you spent
20 preparing overall?

21 A. A lot. Do you want it in days? Or hours?

22 Q. Days.

23 A. I mean, I did it a few hours at a time over
24 many, many days and nights.

25 Q. Okay. That's good enough. And where --

1 where are the documents that you reviewed now? Where
2 are they --

3 A. They are all over the place.

4 Q. -- physically located?

5 A. Well. A lot of them are in my computer.

6 Q. Okay.

7 A. The -- some of them are in hard copy. Which
8 I have in my office at work.

9 Q. At the Lithographing?

10 A. Yes.

11 Q. Okay.

12 A. I did a lot of this work after hours.

13 Q. Does Vidocq supply you with a computer, a
14 cell phone, or anything like that, that you store data
15 on?

16 A. They absolutely do not.

17 Q. Okay. Does Vidocq supply anyone with
18 computers, or any kind of data processing or data
19 storage equipment?

20 A. Not that I'm aware of. There is one -- to my
21 knowledge, there is one Vidocq Society laptop that is
22 not used to store documents. It is brought to the
23 meetings to -- for the presenters to use as an audio
24 visual thing. It connects to the screen.

25 Q. Like a PowerPoint?

1 A. Like a PowerPoint, yeah.

2 Q. Okay. Was anyone else present during any of
3 your review?

4 A. No.

5 Q. Other than your attorneys?

6 A. No.

7 Q. Did you take any notes during your review?

8 A. Yes.

9 Q. Where are the notes now?

10 A. In my computer. And in some cases, written
11 in the margins of two of the documents. One being your
12 deposition notice.

13 Q. Okay. Two of the -- the hard copy documents?

14 A. I think I wrote on the hard copy. I'm not
15 certain.

16 Q. Okay.

17 A. But I also scanned it and I created a digital
18 copy, and I did a lot of note taking on the computer on
19 that document.

20 Q. Okay.

21 A. Because I wanted to make sure I hit every
22 point that you had covered.

23 Q. Okay. But the documents you have in front of
24 you now in your portfolio are not the documents --

25 A. No, and --

1 Q. -- you took notes on?

2 A. -- they have no notations on them at all.

3 Q. Okay. Have you spoken to anyone, other than
4 your attorneys, about Exhibit-1?

5 A. Exhibit-1, can the deposition notice?

6 Q. Yeah.

7 A. Yes.

8 Q. Who have you spoken to?

9 A. I -- I contacted, by telephone, a number of
10 people from the Vidocq Society to assist me in
11 gathering the information required to respond. I spoke
12 to at least a dozen people.

13 Q. Okay. What are the names of the people you
14 spoke to?

15 A. I doubt that I can recall all of them, just
16 sitting here. But Ben Redmond, R-E-D-M-O-N-D. Howard
17 Lobovsky, L-O-B-O-V-S-K-Y. Carol Sweeney,
18 S-W-E-E-N-E-Y. Ed Gaughan, G-A-U-G-H-A-N. I could
19 look in my phone and get you the others. But pretty
20 much most of the people on the Board of Directors, as
21 well as some former members.

22 Q. Okay. Do you remember which specific former
23 members you spoke with?

24 A. I -- I couldn't tell you offhand. I can look
25 in my phone and tell you, but.

1 Q. Is there more than one Gaughan in the
2 organization?

3 A. No. Just one.

4 Q. Okay. Does he sometimes go by E.J?

5 A. Yes.

6 Q. His initials?

7 A. Edward J. Gaughan.

8 Q. Okay. So Mr. Redmond, Mr. Lobovsky, Ms.
9 Sweeney, Mr. Gaughan?

10 A. Bill Gill, G-I-L-L, was another.

11 Q. Okay. And Mr. Gill. Are all of those folks
12 that are still with the Society?

13 A. Oh, yes. Um-hum.

14 Q. Okay. If any other names pop into your mind
15 while we're going through the process, feel free to
16 interrupt me.

17 A. Okay. And I'm sure they will.

18 Q. Okay. We'll try to complete the record that
19 way.

20 A. I'm 73. I don't remember quite as well as I
21 did before.

22 Q. You seem to be tracking fairly well. And
23 over what period of time did you speak to these folks?

24 A. I spoke to them intermittently as I went
25 through the documents. But I started out, before I did

1 anything else, after I got the deposition notice and
2 was designated as the Society's representative. I did
3 a flurry of phone calls initially to find out who else
4 I should talk to, who's handling what aspects, and so
5 forth.

6 Q. Okay.

7 A. And then as I did the document review, that
8 raised additional questions and I went back to people.
9 Some of them repeatedly.

10 Q. Okay. And did you take notes throughout that
11 process?

12 A. As needed. I didn't always take notes.

13 Q. Okay. Do you have notes of any of your
14 conversation with any of the folks you spoke to about
15 Exhibit-1?

16 A. They wouldn't be identified as such. I would
17 have taken the information that I got from them,
18 perhaps added it to my copy of the deposition notice.
19 But I didn't take notes of each conversation.

20 Q. Okay. So it wouldn't say so and on -- this
21 date so and so said this about --

22 A. Yeah, no.

23 Q. -- X?

24 A. It would not -- it would not be that.

25 Q. Okay.

1 A. I was just educating myself.

2 Q. Okay. And where were you when you were
3 having these conversations? Were any of them in
4 person?

5 A. No. They were all by telephone. Sometimes
6 from my home. Sometimes from my office.

7 Q. Did you speak to anyone, other than your
8 attorneys and the folks we've already spoken about, to
9 prepare for this deposition?

10 A. Possibly some other Vidocq Society members.
11 And when I think of the names I'll tell you.

12 Q. Okay.

13 A. But outside the Society and my attorneys, no,
14 I've spoken to -- to my husband, but.

15 Q. Okay. Has this litigation been -- has the
16 issue of this litigation, or any of the issues
17 involved, been raised at any of the Vidocq Society
18 meetings?

19 A. Just minimally. And usually not by me.
20 Frank Mayer, who is our Vidocq Society counsel, has, on
21 occasion, brought the Board up, just aware of what's
22 going on in the litigation.

23 Q. Okay. And that would be in Board meetings,
24 is that right?

25 A. Yes.

1 once we started using Event Bright. And prior to that
2 I would send e-mails to alert people that there were
3 meetings coming up. So I would have, in my personal
4 records, the ones that I was involved in scheduling.
5 Whether the Society retained financial documents
6 reflecting payments to the Union League and the
7 Downtown Club, and wherever they met before that, I'm
8 not certain.

9 Q. Okay. If they did exist where would they be?

10 A. Probably with our treasurer. But I'm
11 speculating.

12 Q. And who is the current treasurer?

13 A. The current treasurer is Jonathan Cohen,
14 C-O-H-E-N. And there were several treasurers who
15 preceded him.

16 Q. And so if those records still existed, is
17 there a possibility that they would be with one of the
18 preceding treasurers?

19 A. Possibly.

20 Q. Does the Vidocq Society have a -- any kind of
21 written document retention policy?

22 A. No.

23 Q. Do they have any type of unwritten, or
24 understood, document retention policy or protocol?

25 A. As far as I know, no. The Society -- we're a

1 volunteer organization. To best of my knowledge, and
2 going back as far as I do, we've never had centralized
3 records. Each person maintained whatever documents
4 they needed to fulfill their duties. So when I was
5 membership chair, anything related to membership stayed
6 with me.

7 Q. Got it.

8 A. The case manager kept the case manager's
9 information. The treasurer kept the treasurer's
10 information. I have never known the Society to have
11 centralized records.

12 Q. Okay. Is there -- what was the -- the
13 protocol for insuring continuity? So what was -- what
14 was the protocol, whether it was written or unwritten,
15 for making sure that one case manager got his file to
16 his successor? Or her successor.

17 A. I don't know that there was a standard
18 protocol. Fred Bornhofen, B-O-R-N-H-O-F-E-N, was the
19 case manager for many, many years. When he became ill,
20 and incapacitated, and could no longer attend meetings,
21 his successor, who was Bill Gill, went to Fred's house
22 to retrieve records.

23 Q. Okay.

24 A. According to Bill Gill, those records were
25 not in any organized form at all.

1 Q. Okay.

2 A. He described it as a room full of papers.

3 Q. So hard copy?

4 A. Hard copy only.

5 Q. Okay.

6 A. And not even in files. Not even -- it was
7 pieces of paper in stacks.

8 Q. Okay.

9 A. So he took what he felt he needed to fulfill
10 his duties and he left the rest.

11 Q. Okay. When did Bill take over -- Mr. Gill
12 take over for Mr. Bornhofen?

13 A. I am not certain of the date. It would have
14 been -- no. I'd be guessing if I gave you a date.

15 Q. How about a year?

16 A. I'm -- I'm -- that's what I'm grasping for.
17 I would have it in my notes, but I don't have it here.

18 Q. Okay. So Mr. Gill took what he felt he
19 needed to take over the role of case manager and left
20 the rest. What happened with the documents that he
21 left behind?

22 A. I would be speculating, but I'm certain that
23 they were destroyed or discarded.

24 Q. Okay. And what happened with the records
25 that he -- that Mr. Gill took with him?

1 A. He used those to begin fulfilling his duties
2 to the Society.

3 Q. Okay. Did he -- has the Society done
4 anything to digitize those records or preserve them
5 electronically?

6 A. Not to my knowledge.

7 Q. So those would just be hard copy records that
8 are -- do they still exist?

9 A. I don't know.

10 Q. Okay. Have you asked Mr. Gill about that at
11 all?

12 A. I know I spoke to Mr. Gill at length. But we
13 were speaking, not in general -- in terms of general.
14 We were talking about whether he had anything related
15 to this case that has not already been turned over to
16 counsel. And he had nothing else.

17 Q. Okay. And then you said that each -- each
18 member, and I want to make sure I'm not misstating
19 this, or putting words in your mouth, but it sounds
20 like if, I understood you correctly, what you're saying
21 is that each officer, or Board member, keeps records,
22 whatever records they need, to fulfill their
23 function --

24 A. Correct.

25 Q. -- within the Society.

C E R T I F I C A T I O N

I, Lisa M. Cooper, a Court Reporter and
Notary Public, do hereby certify the foregoing to
be a true and accurate transcript of my original
stenographic notes taken at the time and place
hereinbefore set forth.

Witness my hand and official seal this
14th day of February A.D. 2024.

A handwritten signature in dark ink that reads "Lisa Cooper". The signature is written in a cursive, flowing style. Below the signature is a horizontal dashed line.

Lisa M. Cooper
Court Reporter and Notary Public

(The foregoing certification of this
transcript does not apply to any reproduction of
the same by any names, unless under the direct
control and/or supervision of the certifying
reporter.)

June 27, 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an)	
individual and as guardian ad)	
litem, on behalf of S.M., a)	Civil No.
minor,)	6:20-cv-01163-MK
Plaintiffs,)	(Lead Case)
)	
v.)	VIDEOCONFERENCE
)	DEPOSITION
MARK DANNELS, PAT DOWNING,)	
SUSAN HORMANN, MARY KRINGS,)	
KRIS KARCHER, SHELLY MCINNES,)	
RAYMOND MCNEELY, KIP OSWALD,)	
MICHAEL REAVES, JOHN RIDDLE,)	
SEAN SANBORN, ERIC)	
SCHWENNINGER, RICHARD WALTER,)	
CHRIS WEBLEY, ANTHONY WETMORE,)	
KATHY WILCOX, CRAIG ZANNI,)	
DAVID ZAVALA, JOEL D. SHAPIRO)	
AS ADMINISTRATOR OF THE ESTATE)	
OF DAVID E. HALL, VIDOCQ)	
SOCIETY, CITY OF COQUILLE, CITY)	
OF COOS BAY, and COOS COUNTY,)	
Defendants.)	
)	
VIDOCQ SOCIETY,)	
Cross-Claimant,)	
)	
v.)	
)	
MARK DANNELS, PAT DOWNING,)	
SUSAN HORMANN, MARY KRINGS,)	
KRIS KARCHER, SHELLY MCINNES,)	
RAYMOND MCNEELY, KIP OSWALD,)	
MICHAEL REAVES, JOHN RIDDLE,)	
SEAN SANBORN, ERIC)	
SCHWENNINGER, RICHARD WALTER,)	
CHRIS WEBLEY, ANTHONY WETMORE,)	
KATHY WILCOX, CRAIG ZANNI,)	
DAVID ZAVALA, JOEL D. SHAPIRO)	
AS ADMINISTRATOR OF THE ESTATE)	
OF DAVID E. HALL, VIDOCQ)	
SOCIETY, CITY OF COQUILLE, CITY)	

June 27, 2024

1 BARBARA J. COHAN,
2 called as a witness on behalf of the Plaintiffs, having been
3 first duly sworn to tell the truth, the whole truth, and
4 nothing but the truth, was examined and testified as follows:

5 THE WITNESS: I do.

6 EXAMINATION

7 BY MR. LAUERSDORF:

8 Q. Okay. Ms. Cohan, my name is Andy Lauersdorf. You
9 remember we met in February of this year. Right?

10 A. That's correct.

11 Q. And you understand that I am an attorney
12 representing the plaintiffs in this lawsuit?

13 A. I do.

14 Q. And this is a lawsuit in which the plaintiffs are
15 suing the Vidocq Society and one of its former members, Richard
16 Walter. Do you understand that?

17 A. I do.

18 Q. Can you please state your full name as given at
19 birth.

20 A. My name is Barbara J. Cohan.

21 Q. Okay. What's your current position or title with
22 Vidocq Society?

23 A. I'm a member of the board of directors. I was the
24 public information officer, but because of the time constraints
25 of this deposition, I stepped aside and yielded to someone else

1 BY MR. LAUERSDORF:

2 Q. Do you have other digital files that you reviewed
3 in preparation for the February 14th deposition in your care,
4 custody, and control in relation to your service on the board
5 or as a member of Vidocq?

6 MR. SCISCIANI: Same objections.

7 A. Yes. Most of them were board minutes, which I
8 understand have been turned over to you.

9 BY MR. LAUERSDORF:

10 Q. Okay. Were there anything other than board minutes
11 or the press release?

12 A. And the constitution. But I can't -- I can't think
13 of any off the top of my head. I would have to sit and go
14 through my directory to see what documents there are.

15 Q. Okay. Then you mentioned in your testimony -- I'll
16 take you back to your deposition -- this blast email at line
17 23.

18 A. Yes.

19 Q. We requested a copy of the blast email and the
20 responses that you received, but we didn't receive anything
21 back in response to that request. Do you have those documents?

22 A. I do have the blast email. And I beli- -- I did
23 retain the responses.

24 Q. Will you please produce those to your counsel so
25 they can be produced to us?

1 MR. SCISCIANI: Counsel, we'll deal with that
2 request offline. We object to the request for production. We
3 also object to your characterization of your request.

4 BY MR. LAUERSDORF:

5 Q. Okay. At page 18 and 19 of your deposition there
6 at line 1, I asked you "Where are the documents that you
7 reviewed now? Where are they?"

8 You said "They're all over the place."

9 And I asked -- I was kind of interrupted there --
10 where they're physically located. And you mentioned at line 7
11 that some of them are in hard copy which you have in your
12 office at work. Have those hard copy documents that you
13 reviewed in preparation for the February 14th deposition been
14 produced?

15 A. My -- I did not understand them to have been
16 requested.

17 Q. Okay. I'll show you back in what's been marked as
18 Exhibit 15, Request for Production Number 55. "To the extent
19 not produced in response to Requests 46 through 50 above,
20 produce all documents mentioned or referred to in pages 17
21 through 20." Do you see where I'm at?

22 A. I see it.

23 Q. And then in your deposition, this is on page 19,
24 "the hard documents." Do you understand that we're requesting
25 those documents now?

June 27, 2024

1 A. I understand that now, yes.

2 Q. Will you please produce those documents to your
3 counsel so they can produce them to us?

4 MR. SCISCIANI: Again, Counsel, we'll deal with
5 those requests for production and our corresponding objections
6 offline. We do object to the scope of your request and your
7 characterization of the request here in the deposition,
8 including pursuant to the case that you and I have emailed
9 about, the Adidas/TRB case. I'm again happy to have this
10 dialogue with you offline so you're not eating up time at your
11 deposition.

12 (Document marked for identification as Deposition
13 Exhibit 17.)

14 BY MR. LAUERSDORF:

15 Q. Okay. I'm going to show you now what's been marked
16 as Exhibit 17. Can you tell me if you recognize this document?

17 A. Uh, I believe I do, yes.

18 Q. Okay. And I'll represent to you that this is a
19 203-page document, Bates labeled in the lower right-hand corner
20 VIDOCQ 001759 through VIDOCQ 001961. Is this what you're
21 referring -- this document what you're referring to as the
22 minutes of board meetings?

23 A. Well, you're showing me one page of the document,
24 so I don't know what else is in there, but --

25 Q. Do you -- go ahead.

June 27, 2024

1 STATE OF OREGON)
2 County of Douglas) ss. C E R T I F I C A T E

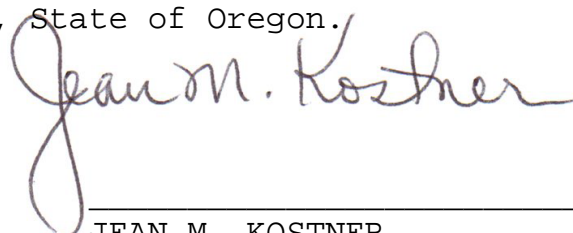
3
4 I, JEAN M. KOSTNER, Certified Shorthand Reporter for the
5 state of Oregon, do hereby certify that:

6 Pursuant to Notice, BARBARA J. COHAN appeared remotely
7 before me via Zoom videoconference at the time and place set
8 forth in the caption hereof;

9 That, at said time and place, I reported in stenotype
10 all testimony adduced and oral proceedings had in the foregoing
11 matter, to the best of my ability;

12 That, thereafter, my notes were reduced to typewriting,
13 and that the foregoing transcript, pages 1 through 75, both
14 inclusive, constitutes a full, true, and correct transcript of
15 all such testimony adduced and oral proceedings had and of the
16 whole thereof.

17 IN WITNESS WHEREOF, I have hereunto set my hand and CSR
18 stamp this 8th day of July, 2024, in the City of Roseburg,
19 County of Douglas, State of Oregon.

20 
21

22 JEAN M. KOSTNER
23 Certified Court Reporter
24 CSR No. 90-0051
25